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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,075	01/11/2002	George Likourezos	1002 CIP III	7427

7590
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Brooklyn, NY 11209

11/01/2007

EXAMINER	
KESACK, DANIEL	

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/044,075	Applicant(s) LIKOUREZOS ET AL.	
	Examiner Dan Kesack	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,12,16,17,27,32,40,41,44,47,49,55,61,62 and 70-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,12,16,17,27,32,40,41,44,47,49,55,61,62 and 70-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
|---|--|

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DETAILED ACTION

1. The response entered July 3, 2007 has been entered and fully considered.

Claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61, 62, and 70-113

currently pending. The rejections are as stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 112 and 113 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The dependent claims do not contain all the limitations of the parent claim from which they depend. Specifically, it is not clear how the claims can perform "providing a payment page", and "receiving authorization" as in claim 106, which the dependant claims further narrow the parent claims by reciting that these steps are not performed. Dependant claims 112 and 113 must include all the steps of the parent claim, and therefore the claims are rendered indefinite.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61, and 72-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over German et al., U.S. Patent No. 7,177,836, in view of Rowe, U.S. Patent Application Publication No. 2002/0029339.

Claims 1, 2, 12, 16, 17, 27, 32, 40, 44, 47, 49, 55, 61, 62, 72, 73, 75-78, 81, 82, 85-95, 97-110, German discloses a system and method for facilitating transactions between consumers over the internet, comprising receiving informational data from users via at least one web page accessible via at least on web page of the electronic auction web site (column 21 line 60 – column 22 line 35), storing a plurality of payment accounts configured for storing funds therein

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and corresponding to a plurality of users of the electronic auction web site using the information data received via at least one web page accessible via the at least one web page of the electronic auction web site (column 22 lines 19-35), linking said plurality of payment accounts to at least on computing device of the electronic auction system (column 15 lines 21-28, 52-61), determining the conclusion of the auction sale by the electronic auction system (column 9 lines 33-37 and column 22 lines 52-59), sending an email by the electronic auction system to the winning bidder and receiving, via the email, at least one input from the winning bidder indicating an initiation to effect payment to the seller (column 22 lines 60-65), providing a payment page to the winning bidder after receiving the input from the winning bidder, said payment page displaying the amount of funds to be deducted from a payment account of the plurality of payment accounts corresponding to the winning bidder, and receiving authorization from the winning bidder to proceed with effecting payment to the seller (column 23 lines 19-36), deducting funds from the payment account storing funds therein and corresponding to the winning bidder, and using at least a portion of the deducted funds to effect payment to at least the seller, wherein the method for effecting payment does not require any interaction between the winning bidder and the seller (column 2 lines 52-55), and using at least another portion to effect payment to an operator of the electronic auction site.

German fails to teach creating the payment account, and displaying a link for providing access to the payment account for viewing the amount of funds stored therein.

Rowe discloses a system and method for facilitating monetary and commercial transactions, wherein a user establishes a payment account with an account provider for storing funds therein (paragraphs 29-31) and for viewing account balances on the provider website (paragraph 83). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of German to include the account creation and balance checking features of Rowe because German is concerned with combining the transaction facilitation steps with the payment steps, and keeping them seamless from the point of view of the consumers. Having the account management features built into the features provided by transaction facilitator of German would further streamline the payment and transaction processes, because the consumer would not need to establish the account with a third party before participating in the transaction.

Claims 41, 74, 83, German and Rowe fail to teach investing the funds and transferring a portion of the funds earned by investing to the buyer's account. Official Notice is taken that paying interest to an account holder on funds held in the account is old and well known in the art. Financial institutions which hold a customer's money regularly invest the money and return a portion of the money to the account holder as an interest payment. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teaches of German and Rowe to include investing the funds and returning a portion to the buyer because it provides incentive for the buyer to use the service

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and hold funds in the account, and it provides the account provider with an additional source of income.

Claims 79, 80, 84, 96, 111, German teaches the payment step comprising extending a line of credit to the buyer (column 7 lines 4-27).

7. Claims 62, 70, 71, are rejected under 35 U.S.C. 103(a) as being unpatentable over German et al., in view of Rowe, as cited above, and further in view of "Ask the Maven".

German and Rowe fail to teach notifying a plurality of users that a buyer purchased the at least one item prior to any bids being received by the electronic commerce system.

"Ask the Maven" teaches eBay's "Buy It Now" feature, in which an item is purchased by a buyer prior to any bids being received by the eBay. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of German and Rowe to include this feature because German teaches the transaction facilitator being eBay, and "Maven" teaches a feature of eBay.

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Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61, 62, and 70-113 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

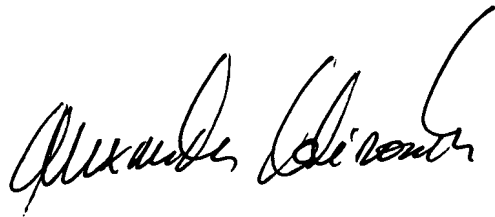

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,

Daniel Kesack
October 23, 2007
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ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER